

ESTTA Tracking number: **ESTTA247863**

Filing date: **11/10/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	RolfDietrich
Granted to Date of previous extension	11/08/2008
Address	4631 Shadowood Lane Toledo, OH 43614 UNITED STATES

Attorney information	David C. Purdue Purdue Law Offices 2735 North Holland-Sylvania Rd; Ste. B-2 Toledo, OH 43615 UNITED STATES dpurdue@purdue-law.com
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Applicant Information

Application No	77324704	Publication date	09/09/2008
Opposition Filing Date	11/10/2008	Opposition Period Ends	11/08/2008
Applicant	Rol Wheel Works LLC 1919 Cornell Ave Denver, CO 80210 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 2004/12/30 First Use In Commerce: 2004/12/30 All goods and services in the class are opposed, namely: Bicycle accessories, namely, wheels and hubs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2105158	Application Date	09/16/1996
Registration Date	10/14/1997	Foreign Priority Date	NONE
Word Mark	ROLF		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 012. First use: First Use: 1996/09/09 First Use In Commerce: 1996/09/09 bicycle parts, namely, bicycle wheels, bicycle wheel hubs and bicycle wheel rims

Attachments	statement of opposition.pdf (1 page)(5345 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David C. Purdue/
Name	David C. Purdue
Date	11/10/2008

Statement of Opposition

1. The Opposer, Rolf Dietrich, is a US citizen whose residence is in Toledo, Ohio. Rolf Dietrich is the owner of US Trademark Registration No. 2,105,158 issued October 14, 1997 for the mark ROLF registered for bicycle parts, namely, bicycle wheels, bicycle wheel hubs and bicycle wheel rims in International Class 012. Rolf Dietrich is the owner of common law rights to the mark ROLF for those goods in the United States. The right of Rolf Dietrich to use ROLF in the United States for bicycle wheels, bicycle wheel hubs and bicycle wheel rims, is incontestable (15 U.S.C. §1065).

2. The Applicant, Rol Wheel Works, LLC, also known as ROL WHEELWORKS, a domestic limited liability company organized under the laws of the state of Colorado, has applied for federal trademark registration for the mark ROL WHEELS, US Trademark Application No. 77/324,704, for “[b]icycle accessories, namely, wheels and hubs” in International Class 012.

3. Applicant’s mark ROL WHEELS for bicycle wheels and hubs in International Class 012 so resembles Opposer’s mark ROLF that is in use and is registered in the United States for, inter alia, bicycle wheels and bicycle wheel hubs, as to be likely to cause confusion, mistake or deception within the meaning of section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the Opposition be sustained and that registration of Applicant’s mark ROL WHEELS for goods in International Class 012 be refused.